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Attorneys for Defendant U.S. Equal Employment Opportunity Commission

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

MARIA EUNICE REYES-VANEGAS,

Plaintiff,

v.

EQUAL EMPLOYMENT
 OPPORTUNITY COMMISSION,

Defendant.

Case No. C 07-2184 (EDL)

STIPULATION AND JOINT
 MOTION TO EXTEND DEADLINE
 FOR FILING OF MOTION TO DISMISS
AND ~~PROPOSED~~ ORDER

Subject to this Court's approval, plaintiff pro se, Maria Reyes-Vanegas, and defendant, the U.S. Equal Employment Opportunity Commission ("defendant"), hereby stipulate and agree to continue the date for the submission of defendant's motion to dismiss for lack of subject matter jurisdiction for one week, from May 6, 2008 to May 13, 2008, and to continue the scheduled date for the hearing on defendant's motion and the next case management conference for one week, from June 10, 2008 to June 17, 2008.

This is an action for alleged disability discrimination in violation of the Rehabilitation

STIPULATION AND JOINT MOTION TO EXTEND DEADLINE TO FILE MOTION TO DISMISS
 No. C 07-2184 (EDL)

1 Act of 1973, 29 U.S.C. § 701 et seq., and alleged retaliation in violation of Title VII of the Civil
2 Rights Act of 1964, 42 U.S.C. § 2000e. At the initial case management conference, defendant
3 indicated that it intended to serve a motion to dismiss plaintiff's complaint for lack of subject
4 matter jurisdiction based on plaintiff's failure to timely file her federal discrimination complaint.
5 The Court allowed defendant a limited time to conduct discovery on the jurisdictional issue and
6 set a deadline of May 6, 2008 as the last day for defendant to file its motion. A hearing on the
7 motion as well as another case management conference were scheduled for June 10, 2008.

8 The requested extension is necessary because of the exigencies of defense counsel's
9 caseload. Counsel was out of the office on official travel from April 4 through April 11, 2008
10 and also on April 16 and 17, 2008. Counsel will again be traveling to Washington, D.C. and
11 South Carolina on previously-scheduled official business from April 21 through April 30, 2008.

12 On Thursday, April 17, 2008, counsel for defendant contacted plaintiff by phone.
13 Plaintiff consented and agreed to the extensions of the deadline for the filing of defendant's
14 motion and the date for the hearing on the motion and the next case management conference.

15 There have been no previous requests for an extension of these deadlines.

16 Accordingly, the parties respectfully request that the Court grant the parties' stipulation
17 and joint motion for a brief extension of both the deadline for the filing of defendant's motion to
18 dismiss for lack of subject matter jurisdiction and the date for the hearing on defendant's motion
19 and the next case management conference.

20 IT IS SO STIPULATED:

21 Dated: April 17, 2008

22 JOSEPH P. RUSSONIELLO
23 United States Attorney

24 By: /s/
25 ELLEN M. FITZGERALD
26 Assistant United States Attorney

1 Dated: April 17, 2008

2
3 /s/
4 MARIA REYES-VANEGAS
5 Plaintiff Pro Se

6 APPROVED AND SO ORDERED:

7 The last day for defendant to file its motion to dismiss based on lack of subject matter
8 jurisdiction is May 13, 2008 and the new date for the hearing on defendant's motion and the next
9 case management conference is June 17, 2008.

10
11 DATED: April 21, 2008



CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and she is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the foregoing

**STIPULATION AND JOINT MOTION TO EXTEND DEADLINE FOR
FILING OF MOTION TO DISMISS AND PROPOSED ORDER**

to be served this date by placing a true copy thereof in a sealed envelope and served as follows

X FIRST CLASS MAIL by placing such envelope with postage thereon full prepaid in the designated area for outgoing U.S. mail in accordance with the office's practices.

_____ CERTIFIED MAIL by placing such envelope with postage thereon full prepaid in the designated area for outgoing U.S. mail in accordance with the office's practices.

_____ PERSONAL SERVICE (BY MESSENGER)

_____ FEDERAL EXPRESS via Priority Overnight

_____ E-MAIL

_____ FACSIMILE (FAX)

on the following party:

Maria Eunice Reyes-Venegas
Plaintiff Pro Se
235 Cotter Street
San Francisco, CA 94112

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this April 18, 2008 at San Francisco, California.

STEPHANIA CHIN
Legal Assistant